



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,912	01/14/2002	Koichiro Utsumi	1163-0386P	9896

2292 7590 02/26/2003

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

TRAN, DALENA

ART UNIT	PAPER NUMBER
----------	--------------

3661

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

**Office Action Summary**

Applicati n N .

10/030,912

Applicant(s)

UTSUMI ET AL.

Examiner

Dalena Tran

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 110 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### **Notice to Applicant(s)**

1. This application has been examined. Claims 1-10 are pending.
2. The prior art submitted on 11/22/02 has been considered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, and 7, are rejected under 35 U.S.C.102(b) as being anticipated by Desai et al. (5,862,509).

As per claim 1, Desai et al. disclose a navigation device comprising: a storage means for storing map data containing road time restriction information (see columns 3-4, lines 3-13), a route searching means for searching a route to a destination referring to the map data stored in the storage means (see columns 4-7, lines 14-32), and a display means for displaying the route searched by the route searching means (see columns 10-11, lines 42-12; and columns 11-12, lines 42-55).

As per claims 4 and 7, Desai et al. disclose when a road with time restriction is present in an optimal route to the destination, the route searching means outputs the optimal route to the display means, and at the same time searches a route by passing the road with time restrictions and outputs the route by passing the road with time restriction to the display means and display

Art Unit: 3661

details of the time restriction before a user reaches a branching point of the road with time restrictions and the by pass road (see columns 7-10, lines 33-41).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3, 5-6, and 8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Desai et al. (5,862,509) in view of Nomura (5,371,678).

As per claim 2, Desai et al. do not disclose restriction information reception. However, Nomura discloses restriction information reception means which receives addition, modification or deletion with respect to the time restriction information (see columns 3-5, lines 50-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Desai et al. by combining restriction information reception means which receives addition, modification or deletion with respect to the time restriction information to clearly define a type of restriction for example a route with only one way traffic or the route cannot enter, therefore, provide an appropriate determination of the route of travel and an optimum search for an alternate route on which the vehicle reaches the destination.

As per claim 3, Desai et al. do not disclose re-searches a route. However, Nomura discloses wherein when the addition, modification or deletion with respect to the time restriction information is received by the restriction information reception means, the route searching

Art Unit: 3661

re-searches a route to the destination taking the time restriction into account (see column 5, lines 3-53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Desai et al. by combining wherein when the addition, modification or deletion with respect to the time restriction information is received by the restriction information reception means, the route searching re-searches a route to the destination taking the time restriction into account for easy determine the optimum route according to the change in the running condition of the vehicle in a short period time.

As per claim 5, Desai et al. do not disclose display route separately. However, Nomura discloses displays each route separately when a plurality of routes are output from the route searching (see column 11, lines 1-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Desai et al. by combining displays each route separately when a plurality of routes are output from the route searching for the user have many options to choose a best route that is less time and less cost of travel.

Also, as per claim 6, Nomura discloses selects a route to be actually traveled when a plurality of routes are output from the route searching (see columns 2-3, lines 36-25).

As per claim 8, Desai et al. do not disclose displays details of the time restriction. However, Nomura discloses displays details of the time restriction when a road with time restrictions is present in the route searched by the route searching means (see columns 5-8, lines 54-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Desai et al. by combining displays details of the time restriction when a road with time restrictions is present in the route searched by the route searching means for a driver plan ahead an alternate route for traveling to a destination.

Art Unit: 3661

7. Claims 9-10, are rejected under 35 U.S.C.103(a) as being unpatentable over Desai et al. (5,862,509), and Nomura (5,371,678) as applied to claim 8 above, and further in view of Mutsuga et al. (5,911,773).

As per claims 9-10, Desai et al. do not disclose setting whether or not to avoid traveling on the road with time restriction. However, Mutsuga et al. discloses setting whether or not to avoid traveling on the road with time restriction, and re-searches a route by-passing the road with time restriction (see columns 1-2, lines 65-55; columns 5-9, lines 35-3; and columns 9-11, lines 60-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Desai et al. by combining setting whether or not to avoid traveling on the road with time restriction, and re-searches a route by-passing the road with time restriction to avoid difficulty to encounter traffic congestion or traffic restriction on the way and prepare an optimal route to the destination.

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

. Hayami et al. (5,369,588)

. Khavakh et al. (6,192,314)

. Ito et al. (6,470,266)

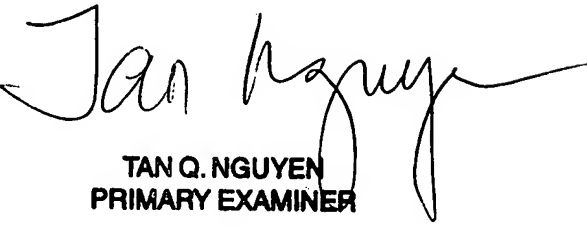
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30 PM), off every other Friday.

Art Unit: 3661

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

/dt  
February 20, 2003

  
**TAN Q. NGUYEN**  
**PRIMARY EXAMINER**